

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 28TH JUNE 2007 / 7TH ASHADHA 1929

Bail Appl.No. 3891 of 2007()

CRIME NO.177/07 OF KOZHIKODE KASABA POLICE STATION
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PETITIONER/ACCUSED NO.2

MOHAYUDHEEN, AGED 40 YEARS,
S/O. MUHAMMED KUTTY HAJI, THOTTILPARAMBIL HOUSE,
PUTHUR NORTH P.O., A.R.NAGAR, MALAPPURAM.

BY ADV. SRI.O.V.MANIPRASAD

RESPONDENTS: COMPLAINANT

THE STATE OF KERALA,
(THE SUB INSPECTOR OF POLICE, KOZHIKODE KASABA
POLICE STATION, CR.NO.177 OF 2007 OF KOZHIKODE
KASABA POLICE STATION), REP. BY THE PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 28/06/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R. BASANT, J.

B.A.No. 3891 of 2007

Dated this the 28th day of June, 2007

ORDER

The petitioner is the second accused in a crime registered under section 420 r/w. 34 I.P.C. Altogether there are four accused persons. The petitioner/A2 and the 4th accused are employees of the first accused. The crux of the allegations against the accused persons is that accused 1, 2 and 4 collected an amount of Rs.1,05,000/- from 43 passengers, who wanted to perform Umra pilgrimage. They were acting in league with the third accused. Though amounts were collected from such passengers, no arrangements were made to facilitate their travel. The prosecution alleges that all the accused had the common intention to cheat the passengers. The defacto complainant is one such passenger. Crime has been registered. Investigation is in progress. Accused 1 and 3, owners of the two travel agencies, have not been arrested so far. Accused 2 and 4 were arrested and 4th accused has already been enlarged on bail. The petitioner continues in custody from 6.6.2007.

2. The facts have been explained to me by the learned Prosecutor and the learned counsel for the petitioner.

3. The learned counsel for the petitioner prays, the and learned Prosecutor does not seriously oppose the said prayer on condition that the Investigator is granted reasonable further time to complete the investigation and I am satisfied that the petitioner can now be directed to be enlarged on bail subject to appropriate terms and conditions.

4. In the result:

1) This application is allowed.

2) The petitioner shall be released on bail on the following terms and conditions.

(a) The petitioner shall not be released from custody on the strength of this order prior to 9.7.2007. The police shall in the meantime make every endeavour to complete the investigation.

(b) He shall execute a bond for Rs.2,00,000/- (Rupees two lakhs only) with two solvent sureties each for the like sum to be satisfaction of the learned Magistrate.

(c) He shall make himself available for interrogation before the Investigating Officer on all Mondays and Fridays between 10 a.m. and 12 until further orders.

(d) The petitioner shall not leave the City of Kozhikode until further orders without the prior permission of the learned Magistrate.

(R. BASANT)
Judge

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